
By: **Chairman, Health and Government Operations Committee (By Request - Departmental - Energy Administration, Maryland) and Delegates Benson, Boutin, Bromwell, Costa, Donoghue, Elliott, Goldwater, Haynes, Hubbard, Kach, Mandel, McDonough, Murray, Nathan-Pulliam, Oaks, Pendergrass, Redmer, Rosenberg, Rudolph, Smigiel, V. Turner, and Weldon**

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Assigned to: Health and Government Operations

Committee Report: Favorable with amendments
House action: Adopted
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CHAPTER _____

1 AN ACT concerning

2 **Maryland Energy Administration - Procurement - Federal Energy Grants**
3 **and Cooperative Agreements**

4 FOR the purpose of exempting the Maryland Energy Administration from certain
5 requirements of the procurement law when applying for and implementing
6 certain federal grants and cooperative agreements relating to energy
7 conservation, energy efficiency, or renewable energy projects.

8 BY repealing and reenacting, with amendments,
9 Article - State Finance and Procurement
10 Section 11-203(a)
11 Annotated Code of Maryland
12 (2001 Replacement Volume and 2002 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article - State Finance and Procurement**

16 11-203.

17 (a) Except as provided in subsection (b) of this section, this Division II does
18 not apply to:

- 1 (1) procurement by:
- 2 (i) the Blind Industries and Services of Maryland;
- 3 (ii) the Maryland State Arts Council, for the support of the arts;
- 4 (iii) the Maryland Health and Higher Educational Facilities
5 Authority, if no State money is to be spent on a procurement contract;
- 6 (iv) the Maryland Higher Education Supplemental Loan Authority,
7 if no State money is to be spent on a procurement contract;
- 8 (v) the Maryland Industrial Training Program or the Partnership
9 for Workforce Quality Program in the Department of Business and Economic
10 Development, for training services or programs for new or expanding businesses or
11 industries or businesses or industries in transition;
- 12 (vi) the Maryland Food Center Authority, to the extent the
13 Authority is exempt under Title 13, Subtitle 1 of Article 41 of the Code;
- 14 (vii) the Maryland Public Broadcasting Commission, for services of
15 artists for educational and cultural television productions;
- 16 (viii) public institutions of higher education, for cultural,
17 entertainment, and intercollegiate athletic procurement contracts;
- 18 (ix) the Maryland State Planning Council on Developmental
19 Disabilities, for services to support demonstration, pilot, and training programs;
- 20 (x) the Maryland Automobile Insurance Fund;
- 21 (xi) the Maryland Historical Trust for:
- 22 1. surveying and evaluating architecturally, archeologically,
23 historically, or culturally significant properties; and
- 24 2. other than as to architectural services, preparing historic
25 preservation planning documents and educational material;
- 26 (xii) the University of Maryland, for University College Overseas
27 Programs, if the University adopts regulations that:
- 28 1. establish policies and procedures governing procurement
29 for University College Overseas Programs; and
- 30 2. promote the purposes stated in § 11-201(a) of this subtitle;
- 31 (xiii) St. Mary's College of Maryland;
- 32 (xiv) the Department of Business and Economic Development, for
33 negotiating and entering into private sector cooperative marketing projects that

1 directly enhance promotion of Maryland and the tourism industry where there will be
 2 a private sector contribution to the project if not less than 50% of the total cost of the
 3 project, if the project is reviewed by the Attorney General and approved by the
 4 Secretary of Business and Economic Development or the Secretary's designee;

5 (xv) the Forvm for Rural Maryland;

6 (xvi) the Maryland State Lottery Agency, for negotiating and
 7 entering into private sector cooperative marketing projects that directly enhance
 8 promotion of the Maryland State Lottery and its products, if the cooperative
 9 marketing project:

10 1. provides a substantive promotional or marketing value
 11 that the lottery determines acceptable in exchange for advertising or other
 12 promotional activities provided by the lottery;

13 2. does not involve the advertising or other promotion of
 14 alcohol or tobacco products; and

15 3. is reviewed by the Attorney General and approved by the
 16 Maryland Lottery Director or the Director's designee; [and]

17 (xvii) the Maryland Health Insurance Plan established under Title
 18 14, Subtitle 5 of the Insurance Article; AND

19 (XVIII) THE MARYLAND ENERGY ADMINISTRATION, WHEN
 20 NEGOTIATING OR ENTERING INTO GRANTS OR COOPERATIVE AGREEMENTS WITH
 21 PRIVATE ENTITIES TO MEET FEDERAL SPECIFICATIONS OR SOLICITATION
 22 REQUIREMENTS RELATED TO ENERGY CONSERVATION, ENERGY EFFICIENCY, OR
 23 RENEWABLE ENERGY PROJECTS THAT BENEFIT THE STATE;

24 (2) procurement by a unit from:

25 (i) another unit;

26 (ii) a political subdivision of the State;

27 (iii) an agency of a political subdivision of the State;

28 (iv) a government, including the government of another state, of the
 29 United States, or of another country;

30 (v) an agency or political subdivision of a government; or

31 (vi) a bistate, multistate, bicounty, or multicounty governmental
 32 agency; or

33 (3) procurement in support of enterprise activities for the purpose of:

34 (i) direct resale; or

1 (ii) remanufacture and subsequent resale.

2 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
3 effect July 1, 2003.